

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2006 MAY 30 P 3:26
U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO. 05-cv-10571-RWZ

JOSEPH P. SCHMITT,
Plaintiff,

v.

CARTER THOMAS, et al.,
Defendants.

MOTION FOR COURT'S ORDER

Now comes the pro se Plaintiff, and moves this Honorable Court order the Massachusetts Department of Correction to debit the plaintiff's inmate account in the amount of \$145.69 for the purchase of a replacement typewriter. As grounds for this plaintiff states as follows:

1. This Court presided over civil actions 04-10451-RWZ, and 04-10717-RWZ in which the plaintiff was awarded damages in the amount of \$302.00.
2. The defendants have failed to credit the plaintiff's account for this amount.
3. The DOC through their approved Canteen vender provide an inferior typewriter for purchase by the plaintiff, necessitating frequent replacement.
4. Plaintiff's typewriter has ceased to function properly.
5. Plaintiff currently has five (5) actions open in this Court, two (2) additional U.S. District Court actions, as well as three (3) open actions in Superior Court, and one

- 2 -

appeal in the 1st. Cir. Appeals Court.

6. With this amount of active legal actions, the amount of time in the law library and access to typewriters is not sufficient to keep up with the volume of typing necessary.

7. Plaintiff has completed all of the typing generated by the above mentioned actions and previous actions in his cell on his now defunct typewriter.

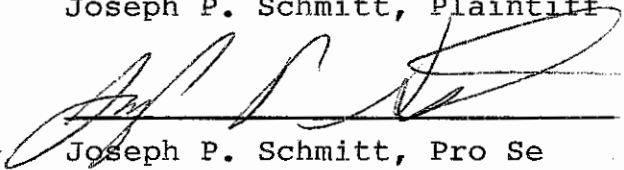
8. The requested order will in no way inconvenience the DOC, as the DOC makes a practice of debiting inmate accounts for the purpose of collecting funds for victim witness fees and court costs, with no guarantee that the inmate will ever have funds deposited in his account to cover the debited amount.

9. Plaintiff has numerous time sensitive matters pending at this time which require the purchase of a typewriter immediately.

WHEREFORE, plaintiff preys this Honorable Court issue the requested order and further order that the DOC expedite the purchase, and delivery of the plaintiff's typewriter.

Respectfully Submitted
Joseph P. Schmitt, Plaintiff

DATED: 5/24/06


Joseph P. Schmitt, Pro Se
Nemasket Correctional Center
30 Administration Road
Bridgewater, MA 02324

VERIFICATION

I, Joseph P. Schmitt state under the pains and penalties of perjury that all of the factual statements in the above motion are true.

DATED: 5/24/06

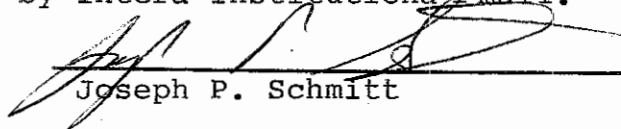

Joseph P. Schmitt

- 3 -

CERTIFICATE OF SERVICE

I hereby certify that I did on this date serve a true copy of the foregoing motion on counsel of record for the defendants in the above entitled action by intera-institutional mail.

DATED: 5/24/06



Joseph P. Schmitt